



ORDINANCE NO. 3049

5-386
13300 Branch View Lane

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT-INTERIM USE WITH SPECIAL CONDITIONS FOR AN INDOOR COMMERCIAL AMUSEMENT FACILITY ON PROPERTY LOCATED IN PLANNED DEVELOPMENT NO. 25 (PD-25) ZONING DISTRICT, BEING AN APPROXIMATELY 2.26 ACRE TRACT OF LAND LOCATED ON THE EAST SIDE OF BRANCH VIEW LANE APPROXIMATELY 450 FEET NORTH OF VALLEY VIEW LANE AND BEING FURTHER DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "B"; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A TERMINATION DATE

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity; and

WHEREAS, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit - Interim Use on the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), to wit:

1. The proposed use is consistent with existing uses of adjacent and nearby Property;
2. The proposed use is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;
3. The proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;

4. The proposed use will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;

5. The applicant has proposed to make an investment of up to \$20,000.00 in improvements to the Property related to the use to be authorized pursuant to the issuance of the requested Specific Use Permit - Interim Use and has stated that such investment can be recovered within three (3) years from the effective date of said permit and this Ordinance; and

6. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit - Interim Use created hereby;

and

WHEREAS, having held the above-referenced public hearing and making the above findings, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS; THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit-Interim Use with special conditions for an indoor commercial amusement facility limited to small concert events on the Property within the Planned Development No. 25 (PD-25) zoning district.

SECTION 2. The Specific Use Permit - Interim Use described in Section 1, above, is hereby granted subject to compliance with the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan attached hereto as Exhibit "B," and incorporated herein by reference, which is hereby approved.
- B. A new masonry dumpster enclosure must be constructed on site prior to issuance of a Certificate of Occupancy for the soundstage or concert area within the existing building.
- C. Occupancy for the soundstage or concert area shall not exceed 300 people.
- D. Concerts shall commence not earlier than 12:00 p.m. (Noon) and must end on or before 12:00 a.m. (Midnight).

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect after the passage of this Ordinance, the publication of the caption hereof as the law and charter in such case provide, and the filing in the Official Public Records of Dallas County, Texas, the notice required by Section 8-459, of the Comprehensive Zoning Ordinance, as amended, have occurred.

SECTION 9. This Ordinance and the right to use the Property for the purposes authorized herein shall terminate on three (3) years from the effective date of this Ordinance.

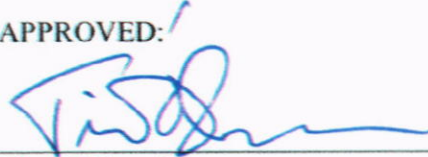
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, ON THIS THE 15th OF SEPTEMBER, 2009.

ATTEST:



Cindee Peters, City Secretary

APPROVED:



Tim O'Hare, Mayor

APPROVED AS TO FORM:



Peter G. Smith, City Attorney

EXHIBIT "A"

BEING A TRACT or parcel of land situated in the City of Farmers Branch, Dallas County, Texas; and being part of the Thomas Keehan Survey, Abstract 733, and also being part of Tract B, Block 1, of the Revised Valley View Place Addition, as recorded in Volume 69214, Page 1991, of the Map and Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at an iron rod for corner in the Northeasterly line of the Branch View Lane (60 feet wide); said iron rod being in the Southeasterly direction a distance of 523.99 feet from the intersection of the Southeasterly line of Havenhurst Street (60 feet wide) and said Northeasterly line of Branch View Lane;

THENCE North $62^{\circ} 29' 00''$ East a distance of 200.03 feet to an iron rod for corner in the southwesterly line of Tract A of Block 1;

THENCE South $26^{\circ} 36' 00''$ East along said Southwesterly line of Tract A of said Block 1, a distance 491.14 feet to an iron rod for corner;

THENCE South $63^{\circ} 53' 39''$ West a distance of 215.31 feet to an iron rod for corner in the Northeasterly line of Branch View Lane;

THENCE in a Northwesterly direction along said Northeasterly line of Branch View Lane and along a curve to the left whose tangent bears North $12^{\circ} 23' 48''$ West and having a radius of 500.00 feet, a central angle of $14^{\circ} 12' 12''$ and an arc length of 123.95 feet to an iron rod and the end of said curve to the left;

THENCE North $26^{\circ} 36' 00''$ West continuing along said Northeasterly line of Branch View Lane a distance of 363.40 feet to the POINT OF BEGINNING and containing 98,363 square feet, more or less, or 2.2581 acres.

EXHIBIT "B"
Site Plan

